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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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12 ALEXANDER A. LYKINS,

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14 Plaintiff,

15 v.

16 GMAC MORTGAGE, LLC, et al.,

17  
18 Defendants.  
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Case No.: C-12-04389 JSC

**ORDER DISCHARGING ORDER TO  
SHOW CAUSE AND CLOSING CASE**

20 In light of Plaintiff's notice of voluntary dismissal of this action pursuant to Federal Rule of  
21 Civil Procedure 41(a)(1)(A)(i), (Dkt. No. 41), the Court hereby discharges the Order to Show Cause,  
22 (Dkt. No. 39). Pursuant to Rule 41(a), a plaintiff may dismiss an action without a court order by  
23 filing "a notice of dismissal before the opposing party serves either an answer or a motion for  
24 summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i); *see also Wilson v. City of San Jose*, 111 F.3d  
25 688, 692 (9th Cir. 1997) ("Under Rule 41(a)(1), a plaintiff has an absolute right to voluntarily  
26 dismiss his action prior to service by the defendant of an answer or a motion for summary  
27 judgment.") Because no party has filed or served an answer or a motion for summary judgment,  
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1 Plaintiff's notice of voluntary dismissal operates automatically as a dismissal of this action. The  
2 Court accordingly orders the Clerk to close this case.

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4 IT IS SO ORDERED.

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6 Dated: April 17, 2013

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8 JACQUELINE SCOTT CORLEY  
9 UNITED STATES MAGISTRATE JUDGE  
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